



11/38846
115/025
PATENT

ATTORNEY DOCKET NO. 044574-5061

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John Carlson *et al.*

Application No.: 09/491,577

Filed: January 25, 2000

For: *Drosophila* Odorant Receptors (amended)

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Group Art Unit: 1646

Examiner: Joseph Murphy

TECH CENTER 1600/2900

JAN 03 2001

Commissioner for Patents
Washington, D.C. 20231

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated June 29, 2001, time for which expired on September 29, 2001. A petition for a three month Extension of Time is filed concurrently, thereby extending the period for response to December 29, 2001. Since December 29, 2001 fell on a Saturday, the next business day rule applies.
2. Additional papers enclosed:
 - [X] John Carlson Declaration under 37 CFR 1.132
 - [X] Figures Associated with Declaration (Figures A-G)
 - [X] Biographical Sketch of John Carlson (2 pages)

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02 FC:217 460.00 CH

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input checked="" type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,960.00	\$980.00

Extension of time fee due with this request: \$460.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for ___ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §' 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	27	minus	54	0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	11	minus	4	7	x \$84 each=	+ \$588.00
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$588.00
Reduction by 2 for filing by a small entity						- \$294.00
TOTAL FEE =						\$ 294.00

6. Fee Payment

[] No fee is to be paid at this time.

[X] The Commissioner is hereby authorized to charge **\$754.00** (\$294.00 for excess independent claims and \$460.00 for a 3 month Extension of Time) to Deposit Account No. 50-0310.

[x] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 31, 2001

By: Erich E. Veitenheimer
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